



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.14594 of 2021

Vijayakumar
S/o.Govindasamy

..Petitioner

Vs.

1. The Superintendent of Prison,
Central Prison,
Vellore, Vellore District.

2. Inspector of Police,
All Women Police Station,
Gudiyatham,
Vellore District.
Crime No.15 of 2013

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a direction to the respondents to grant 30 days ordinary leave (parole) to the petitioner's brother Mohan S/o.Govindasamy (Convict Prisoner No.3312), who is confined at Central Prison, Vellore.

For Petitioner : Mr.V.Elangovan

For Respondents: Mr.R.Muniyapparaj
Government Advocate [Crl.side]

ORDER

[Order of the Court was made by P.N.PRAKASH, J]

This petition has been filed seeking a direction to the respondents to grant 30 days ordinary leave (parole) to the petitioner's brother Mohan S/o.Govindasamy (Convict Prisoner No.3312), who is confined at Central Prison, Vellore.



2. It is the case of the petitioner that his brother Mohan is a convict prisoner (CT No.3312) and is undergoing sentence in Central Prison, Vellore. It is his further case that his mother is very serious and suffering from cervical cancer and that she is desirous of seeing Mohan. In this regard, an application for leave dated 25.06.2021 was submitted to the prison authorities and that they have not passed any orders thereon. Hence, the present petition.

3. On instructions, learned Government Advocate [crl.side] submits that the leave application dated 25.06.2021 was received by the prison authorities on 28.06.2021 and the same was rejected by order dated 05.07.2021 on the ground that Mohan will not be entitled to 30 days of ordinary leave since he has completed only 2 years 9 months and 2 days and not 3 years as required under the rules. A copy of the rejection order has also been sent to the petitioner and served on the convict prisoner. However, learned Government Advocate [crl.side] is directed to serve a copy of the same on the learned counsel for the petitioner.

4. Mr.V.Elangovan, learned counsel for the petitioner, submits that the authorities may consider granting emergency leave to Mohan to visit his ailing mother.

5. Recording the submission, this Court directs that as and when application for emergency leave is submitted by Mohan, the same may be considered expeditiously and in accordance with the rules.

With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Superintendent of Prison,
Central Prison,
Vellore, Vellore District.



2. Inspector of Police,
All Women Police Station,
Gudiyatham,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.S.Duraisamy, Advocate, S.R.No.36609/21

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SR(CO)
RGA(25/08/2021)